

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

VERNA D. BROWNING,

Plaintiff,

v.

CIVIL ACTION NO. 2:15-cv-09146

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendant's Unopposed Motion to Remand ("Defendant's Motion"). (ECF No. 15.) By Standing Order filed in this case on July 2, 2015, this action was referred to United States Magistrate Judge R. Clarke VanDervort for total pretrial management and submission of proposed findings of fact and recommendations for disposition. (ECF No. 4.) On December 23, 2015, Magistrate Judge VanDervort entered proposed findings of fact and recommendations for disposition ("PF&R"), in which he recommends that the Court grant Defendant's Motion, reverse or vacate the final decision of the Commissioner of the Social Security Administration (the "Commissioner"), and remand this case pursuant to the fourth sentence of 42 U.S.C. § 405(g). (ECF No. 16 at 2.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the parties' right to appeal this Court's

order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).


Objections to the PF&R in this case were due by January 11, 2016. (*See* ECF No. 16 at 2–3.) To date, the parties have not filed any objections to the PF&R.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 16), **GRANTS** Defendant's Motion, (ECF No. 15), **REVERSES** the final decision of the Commissioner, **REMANDS** this case for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), **DISMISSES** this action, and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 12, 2016

A handwritten signature in blue ink, appearing to read 'Thomas E. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE